

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: JOHNATHAN FARLEY

DATE: JANUARY 22, 2018 *ATL-E-18-01*

RE: FORMAL COMPLAINT OF MARY DRAKE V. ATLANTA POWER
COMPANY AND STAFF'S PROPOSED CONCURRENT FORMAL
STAFF INVESTIGATION

On January 2, 2018, Mary Drake filed a Formal Complaint against Atlanta Power Company claiming the Company is violating Commission Order No. 31086 and Idaho Code 61-302 by failing to maintain adequate service. See Attachment. Ms. Drake's complaint specifically addresses frequent power outages, public safety, lack of qualified personnel to operate and maintain Company facilities, and the Company's inaccessibility and failure to respond to customer complaints. Ms. Drake is unsatisfied with the Commission Staff's efforts to resolve her complaint informally and has filed this Formal Complaint.

BACKGROUND

In recent years, Staff has attempted to work with customers and the Company informally in an effort to resolve complaints regarding the same issues raised in Ms. Drake's Formal Complaint. Staff is aware of ongoing problems with the Company's two power generating resources (a hydroelectric turbine and a diesel-powered electric generator). Of particular concern is the fact that the Company currently does not have anyone available to operate or maintain the system. Staff has been unable to contact Israel Ray, President of Atlanta Power, to discuss the most recent outage and Ms. Drake's complaint.

At this juncture, Staff recommends that the Commission open a formal Staff investigation to run concurrently with Ms. Drake's Formal Complaint. The investigation will focus primarily

on service reliability, maintenance and operation of the Company's facilities, and customer service. As part of its investigation, Staff will review the Company's compliance with past orders, inspect generation and distribution facilities, and confer with customers. At the conclusion of its investigation, Staff proposes to report its findings to the Commission with recommendations for further action.

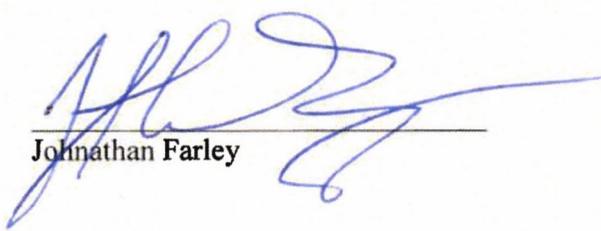
STAFF RECOMMENDATION

Staff was unable to resolve Ms. Drake's complaint informally. See Rules 23, 25 and 54, IDAPA 31.01.01.023, .024 and .054. Staff recommends the Commission accept the Formal Complaint and issue a summons to Atlanta Power Company directing the Company to file a response to the Complaint.

Additionally, Staff recommends the Commission initiate a formal Staff investigation of Atlanta Power Company, focusing primarily on service reliability, maintenance and operation of the Company's facilities, and customer service.

COMMISSION DECISION

Does the Commission accept Ms. Drake's Formal Complaint? Does the Commission wish to issue a Summons to Atlanta Power Company? Does the Commission accept Staff's proposal to initiate a formal Staff investigation to run concurrently with the Formal Complaint process?



Johnathan Farley

Udmemos/Atlanta Power Decision Memo Jan 2018

From: flute.md@gmail.com [mailto:flute.md@gmail.com]
Sent: Tuesday, January 2, 2018 1:47 PM
To: Front <front@puc.idaho.gov>; Beverly Barker <Beverly.Barker@puc.idaho.gov>
Subject: Consumer Assistance Form: Mary Drake

Name: Mary Drake
Email: flute.md@gmail.com
Telephone: 2088642171
Address: 72 E PINE ST
ATLANTA ID, 83716

Name of Utility Company: Atlanta Power Company Contacted Utility: Yes

Complaint: Mary E. Drake
72 E. Pine
Atlanta, Idaho 83716

Idaho Public Utilities Commission
472 W. Washington
Boise, Idaho 83702

Dear Commissioners:

Please consider this a formal complaint against Atlanta Power Company for failing to fulfill their lawful duty of providing and maintaining adequate services of electricity to the town of Atlanta, Idaho, per Idaho Statute 61-301. The Statute reads: "DUTIES OF PUBLIC UTILITIES 61-302. MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable."

I have been a resident of Atlanta, Idaho for 20 years. I have experienced the change of ownership of the Atlanta Power Company. I am also aware of previous complaints about the services provided by the company, and the ensuing Final Order of May 13, 2010. There is plenty of historical evidence that shows there has been a problem with Atlanta Power Company outages for many years.

This complaint, today, is to inform you that Atlanta Power Company is NOT DOING WHAT they agreed to do per the Final Order dated May 13, 2010 (Order # 31086) in which it states: "It is further ordered that Atlanta Power Company continue to monitor the power concerns. If the power concerns are not mitigated, then the staff and company will advise the commission on appropriate course of action." It has been 7 years since this order, and the power outages still occur. Many people have complained to the PUC, yet no action is taken. This complaint poses the question: Why is the Atlanta Power Company not being held accountable to uphold its duties as a utility provider by the PUC? Please, we need help!

Also, after an investigation into Atlanta Power Company by PUC in February, 2005, Order #29706, it states that "It appears Dave Gill's availability has changed. He is available in Atlanta for immediate system repairs most of the time." This is NO LONGER TRUE. Dave Gill no longer lives in Atlanta, Idaho. Hence, this formal complaint, filed here, now is:

1. There continues to be frequent power outages in Atlanta, Idaho.
2. Power outages HARM the safety of Atlanta residents, due to needing access to electronics for emergencies, drinking water (for those with electronic water pumps), and access to healthy food (refrigerators go out and food spoils during outages).
3. There is no one in town who knows how to fix the system when the owner of Atlanta Power Company (Israel Ray) is out of town.
4. Israel Ray does not hire anybody to be available to diagnose problems and fix problems during outages.
5. Although there is a generator up here, in Atlanta, it does not function in cold weather, due to diesel fuel.
6. Israel Ray, as owner of Atlanta Power Company is not fulfilling his lawful duty as a utility company per statute 61-302 which states: DUTIES OF PUBLIC UTILITIES: 61-302. MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable." Evidence that demonstrates Failure to comply with this statute includes, but not limited to:
 - a. There is no telephone number to call for assistance when the power goes out in Atlanta, Idaho. The number to call is Israel's, and the message inbox is ALWAYS FULL. No other number to call, or way to contact him or anybody who knows how to help during a power outage. This is blatant disregard for us, consumers, customers, residents of Atlanta, who pay our bills to Atlanta Power Company every month for services we EXPECT to receive in exchange!
 - b. Israel Ray leaves town and nobody has any way to contact him. He leaves town and is nowhere to be found during a power outage, nor has he trained anybody to help during his absence. This is simply irresponsible, and a blatant disregard for Statute 61-302.
7. After many, many years of problems with the power in Atlanta, Idaho, there seems to be no resolution. If something gets fixed, it's momentary. Granted, there is a generator up here now, but it doesn't start in the winter, and in the summer, it runs out of gas and we need to wait days before we get diesel gas up here. Therefore, the Time is NOW to fix the problem!! When will this be resolved??

Please, please give attention to this formal complaint. The situation in Atlanta needs ATTENTION now! Israel Ray and The Atlanta Power Company need to be held accountable for their LACK of ACTIONS in adhering to the law for public utilities. For, I, myself am a paying customer, as are many others in this town and we simply WANT TO NOT HAVE TO DEAL WITH THE CONSTANT POWER OUTAGES and TOTAL LACK OF CUSTOMER CONSIDERATION, and the lack of ACCOUNTABILITY demonstrated by Israel Ray and the Atlanta Power Company.

Thank you for your action in this matter.

Sincerely,
s/ Mary E. Drake

Mary E. Drake

Unique Identifier: 216.182.111.139